IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 8000 of 2004(B)

PETITIONER:

D.MANOHARAN, AGED 48 YEARS,
SON OF DAMODHARAN, GOVERNMENT CONTRACTOR,
T.C. 20/1735-1, ATTUKAL BHAVANAM, SASTRI NAGAR
EAST, KARAMANA POST, THIRUVANANTHAPURAM.

BY ADV. SRI.K.L.NARASIMHAN.

RESPONDENTS:
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1. **KERALA WATER AUTHORITY, REPRESENTED**
   BY ITS MANAGING DIRECTOR, JALA BHAVAN,
   VELLAYAMBALAM, THIRUVANANTHAPURAM.

2. **THE SUPERINTENDING ENGINEER,**
   OFFICE OF THE SUPERINTENDING ENGINEER,
   PUBLIC HEALTH CIRCLE, THIRUVANANTHAPURAM.

W.P.(C). NO.8000/2004:

***ADDL.R3. N. RAJAN, S/O. NARAYANA PILLAI,**
K.W.A. CONTRACTOR, A- CLASS,
RESIDING AT NJARAKKAL HOUSE,
NEDUMON WARD, KALLAYAM.P.O.,
THIRUVANANTHAPURAM-43.

***ADDITIONAL 3RD RESPONDENT IMPLEADED AS PER ORDER DATED 07/04/04 IN I.A. 4997/04.**

BY ADV.SMT.AMBIKA DEVI, S.C, KWA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.8000/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: DTD. 20/09/2003 COPY OF THE SELECTION NOTICE WITH THE ACCEPTED SCHEDULE ISSUED BY THE R.2.

EXT.P.2: COPY OF THE PAGE 7 OF THE TENDER SCHEDULE SHOWING THE COST OF LABOUR AND MATERIALS QUOTED.

EXT.P.3: COPY OF THE STATEMENT SHOWING THE GRAND TOTAL AMOUNT FILED BY THE PETITIONER BEFORE THE R.2.

EXT.P.4: DTD. 26/09/2003 COPY OF THE LETTER BY THE PETITIONER TO THE R.2.

EXT.P.5: DTD. 10/10/2003 COPY OF THE LETTER BY THE PETITIONER TO THE R.2.

EXT.P.6: DTD. 02/01/2004 COPY OF THE COMMUNICATION ISSUED BY THE R.2. TO THE PETITIONER (NO. PHC/D1-2884/2003 DTD. 02/01/2004).

EXT.P.7: DTD. 12/01/2004 COPY OF THE JUDGEMENT IN W.P.(C). 1082/04.

EXT.P.8: DTD. 05/02/2004 COPY OF THE REPRESENTATION BY THE PETITIONER TO THE R.2.

EXT.P.9: DTD. 05/02/2004 COPY OF THE ORDER BY THE R.2. INTIMATING THE PETITIONER REGARDING CANCELLATION AND RETENDERING THE WORK AFTER FOREFEITING THE EMD. (PHC.D1.2884/2003 DTD. 05/02/2004).

EXT.P.10: DTD. 15/02/2004 COPY OF THE NOTIFICATION APPEARED IN THE DESABHIMANI DAILY REGARDING THE RE-TENDERING OF THE WORK.

RESPONDENT'S EXHIBITS:

EXT.R2.A: COPY OF THE PHONOGRAM ISSUED TO THE PETITIONER ON 18/10/2003 TO EXECUTE THE AGREEMENT.

EXT.R2.B: COPY OF THE LETTER DTD. 20/12/2003 ISSUED BY THE MANAGING DIRECTOR K.W.A. TO THE CHIEF ENGINEER (SR) K.W.A.

EXT.R2.C: COPY OF THE PRELIMINARY AGREEMENT DTD. 12/09/2003.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

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W.P.(C)NO.8000 OF 2004

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Dated this the 28th day of March 2007

JUDGMENT

In view of the intervening developments leading to the filing of the civil suit for the same reliefs claimed, no further orders are necessary in this writ petition, it is submitted. The writ petition is accordingly closed.

KURIAN JOSEPH, JUDGE

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